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ACTION IO-16

INFO	LOG-00	AF-01	AID-01	ARA-01	CIAE-00	OASY-00	DODE-00
	EAP-01	EB-01	EUR-01	H-01	TEDE-00	INR-00	L-01
	ADS-00	NEA-01	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01
	P-01	SP-00	SR-00	SS-00	STR-01	TRSE-00	USIE-00
	SA-01	PRME-01	DRL-09	G-00	/042W		
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O 082042Z AUG 94
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 8227
INFO USMISSION GENEVA IMMEDIATE
AMEMBASSY BEIJING IMMEDIATE
AMEMBASSY MOSCOW IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY PARIS IMMEDIATE

C O N F I D E N T I A L USUN NEW YORK 003266

PLEASE PASS TO CROOK, MATTHESON

E.O.12356: DECL,OADR
TAGS: RW,UK,US,CH,RS,FR
SUBJECT: RWANDA - GENOCIDE AND WAR CRIMES

REF USUN 0327

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2. LEGAL (FRENCH MISSION) HAS FORWARDED LIST OF
QUESTIONS FROM PARIS. USUN WOULD APPRECIATE
DEPARTMENT'S VIEW ASAP SO WE CAN GET BACK TO FRENCH.
LEGAL PREFACED QUESTIONS BY STATING "PARIS IS NOT
ADVERSE TO THE US IDEA BUT NEEDS A FEW ADDITIONAL
ELEMENTS TO CLARIFY THE CONCEPT IN LEGAL TERMS."

3. FRENCH QUESTIONS: AMONG THE QUESTIONS THE FRENCH
GOVERNMENT WOULD LIKE TO SEE CLARIFIED BEFORE ANY STEPS
ARE TAKEN ON THE ISSUE OF THE DETENTION OF PEOPLE
SUSPECTED OF VIOLATIONS OF HUMANITARIAN LAW ARE THE

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FOLLOWING:

--1. WOULD THIS NEW MANDATE (DETENTION) BE APPLICABLE TO UNAMIR AS WELL AS TO OTHER FORCES PRESENT IN RWANDA? IF SO, WOULD THE AMERICAN FORCES DEPLOYED OR ABOUT TO BE DEPLOYED IN KIGALI PARTICIPATE IN SUCH A MISSION GIVEN BY A RESOLUTION OF THE SECURITY COUNCIL? THE FRENCH GOVERNMENT WOULD ALSO WELCOME CLARIFICATION OF THE LEGAL GROUNDS FOR THE PRESENCE OF US FORCES IN RWANDA (PARTICIPATION IN UNAMIR, RESOLUTION 929?)

--2. WOULD THE NEW MANDATE FALL UNDER CHAPTER VI, WHICH WOULD REQUIRE AN AGREEMENT FROM THE NEW RWANDESE GOVERNMENT --AGREEMENT THAT MAY BE DIFFICULT TO SECURE IF ONE CONSIDERS THE RECENT STATEMENTS BY AUTHORITIES IN KIGALI, OR WOULD IT BE PLACED UNDER CHAPTER VII?

--3. ON WHAT LEGAL GROUNDS WOULD THE FORCES CONCERNED HAVE TO DECIDE WHETHER INDIVIDUAL PERSONS CAN REASONABLY BE SUSPECTED OF HAVING COMMITTED SERIOUS VIOLATIONS OF
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INTERNATIONAL HUMANITARIAN LAW: GENEVA CONVENTIONS,
CONVENTION FOR THE PREVENTION AND THE REPRESSION OF
GENOCIDE...? WHAT WOULD BE THE PERIOD OF REFERENCE FOR
SUCH VIOLATIONS?

--4. UNDER THE CONTROL OF WHICH INTERNATIONAL BODY OR INSTITUTION WOULD THE DETENTION BE ORGANIZED?

--5. TO WHICH AUTHORITIES AND IN WHICH CONDITIONS WOULD THE FORCES SURRENDER THE PERSONS PUT IN DETENTION?

--6. WHAT WOULD BE THE LINK BETWEEN THE NEW RESOLUTION UNDER CONSIDERATION AND RESOLUTION 935 DEALING WITH THE COMMISSION OF EXPERTS?

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